THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 28-09-2005

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WRIT PETITION No.21155 OF 2005

Between:

O.Venkata Manikyam . . .Petitioner

And

The General Manager, Singareni Colleries Company Ltd., Adilabad Dist.

. . .Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.21155 OF 2005

O R D E R:

The petitioner was employed as a Vendor in the General Canteen of Singareni Colleries Company Limited, Bellampalli. Through proceedings dated 06-09-2004, she was informed that she would attain the age of superannuation of 60 years on 11-09-2005 and that she would retire from service with effect from the afternoon of 30-09-2005. The petitioner disputed the date of birth, entered in her service records and submitted a representation on 05-03-2005 for correction of the same. She relied upon the date of birth of her brother entered in the Transfer Certificate issued by a Junior College as well as her Medical Certificate issued by the Regional Medical Board, M.G.M. Hospital, Warangal. Her grievance is that the respondent did not act upon her representation and

material relied upon by her and is taking steps to retire her with effect from the afternoon of
30-09-2005.

Sri P.V.Vidyasagar, learned counsel for the petitioner submits that the petitioner is an illiterate and her date of birth was entered in the service records on notional basis. He contends that the petitioner was intimated the date of retirement only through proceedings dated 06-09-2004 and soon thereafter, she took steps to get her actual age and date of birth evaluated. He further contends that when the Regional Medical Board comprising of team of doctors certified her age to be at 54 years as on 19-05-2005, there is absolutely no reason to ignore it by the respondent. He contends that the respondent ought to have acted upon such valuable material.

Learned Standing Counsel appearing for the respondent, on the other hand, submits that once the date of birth is entered in the service register, it cannot be changed or altered, at a later point of time, except where clinching proof is forthcoming that too in conformity with the service regulations.

The petitioner joined the service of the respondent as General Mazdoor way back in the year 1990. Her date of birth was not entered in any register of births. Since she did not study, the date of birth was not entered in any records maintained by the school. In that view of the matter, the respondent entered the age and date of birth of the petitioner on the basis of evaluation by Medical Officer. The said entry continued unaltered. The respondent intimated the petitioner as regards her retirement, one year, in advance.

It is true that the petitioner appeared before the Regional Medical Board, M.G.M. Hospital, Warangal and the Board, in turn, certified her age, as 54 years, as on 19-05-2005. This piece of evidence would certainly have been of immense use to the petitioner, had it been a case where the respondent referred the petitioner to the Board. There was no such reference. In the absence of such reference, it becomes a unilateral exercise. At any rate, the service regulations of the respondent do not permit of alteration of date of birth, on the strength of such material. In that view of the matter, this Court does not find any basis to grant any relief to the petitioner at this stage.

The writ petition is accordingly dismissed.

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(L.NARASIMHA REDDY, J)

28th SEPTEMBER, 2005.

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